

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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BELMONT, MA

Case No. 19-09

Applicants: Jay Bonnar

Property: 61 Warwick Road

Date of Public Hearing: February 4, 2019

2019 JUN -3 PM 6:19



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Members Sitting: Jim Zarkadas
Andrew Plunkett
Phil Ruggiero
Casey Williams (Associate Member)
Blake Currier (Associate Member)

Members Voting: Jim Zarkadas
Andrew Plunkett
Phil Ruggiero
Casey Williams (Associate Member)
Blake Currier (Associate Member)

Introduction

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicant, Jay Bonnar ("Applicant"), seeks Two Special Permits under Section 1.5 of the Zoning By-Laws for (1) under Section 1.5.4 A of the By-Laws, extension or alteration to existing non-conforming structure in a General Residence Zoning district, and (2) non-conforming side setback, in order to construct a one story addition at 61 Warwick Road, located in a General Residence Zoning District.

Proposal

The petitioner proposes to construct an addition to his existing kitchen and add a bathroom which will replace an existing 31 square foot pantry. The addition is approximately 72 additional square feet but remains within the required lot coverage area in the zoning district that it is located at.

The applicant submitted 11 signatures from neighbors supporting his application. At the hearing no one spoke in support or in opposition to the application.

Decision

During deliberations the board discussed the applicant's request and confirmed that the requested modifications are likely not detrimental to the neighborhood and that the proposed side setback at 5.6' was an improvement from the existing 5.0'.

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Address: 61 Warwick Road

§ 1.5.4 A of the Town's Zoning By-Law requires that the Board issue a Special Permit for any modifications or alterations to existing non-conforming residences in the General Residence Zoning District. § 1.5.3. of the Town's Zoning By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconforming structure "only if it determines that such reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located."

The Board deliberated on February 4, 2019. Under the "Gale vs. Gloucester" ruling, the relief sought is a special permit. A special permit is required for any modification to residences in a General Residence Zoning District and to construct any addition not in compliance with the current zoning intensity regulations. Both items were considered by the Board. The Board found that the proposed expansion does not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board concluded that the proposed alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alteration is in keeping with the character of the neighborhood in which it is located.

Accordingly, **upon motion duly made by Blake Currier and seconded by Phil Ruggiero, the Board voted 5-0 to grant the Two Special Permits as requested.**

For the Board,


Dated: June 3, 2019



Ara Yogurtian,
Assistant Director
Office of Community Development

CERTIFICATION BY TOWN CLERK

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on June 3, 2019, and further I certify that no appeal has been filed with regard to the granting of said Two (2) Special Permits with Zero (0) conditions.



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

April 27, 2020